

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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DAVIS INTERNATIONAL, LLC, HOLDEX,	:
LLC, FOSTON MANAGEMENT, LTD, and	:
OMNI TRUSTHOUSE, LTD,	:
Plaintiffs,	
v.	:
Case No. 04-1482-GMS	
NEW START GROUP CORP., VENITOM	:
CORP., PAN-AMERICAN CORP., MDM	:
BANK, URAL-GORNO METALURAGICAL	:
COMPANY, EVRAZ HOLDING, MIKHAIL	:
CHERNOI, OLEG DERIPASKA, ARNOLD	:
KISLIN, MIKHAIL NEKRICH, and	:
ISKANDER MAKMUDOV,	:
Defendants.	
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**DEFENDANTS' MOTION TO DISMISS THE COMPLAINT & TO ENJOIN
PLAINTIFFS FROM RE-FILING THIS ACTION**

Defendants New Start Group Corp, Venitom Corp., MDM Bank, Ural-Gorno Metallurgical Company, Evraz Holding, Mikhail Chernoi, Oleg Deripaska, Arnold Kislin, Mikhail Nekrich and Iskander Makmudov (the “Defendants”) hereby move to dismiss the complaint on the following grounds: 1) direct estoppel; 2) *forum non conveniens*; 3) international comity; and 4) lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1) and failure to state a claim upon which relief may be granted pursuant to Fed. R. Civ. P. 12(b)(6). Defendants also move for an order enjoining Plaintiffs from re-filing this action. Defendants are contemporaneously filing opening briefs in support of each of the grounds for dismissal.

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